

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GEORGE HILL

and

DAVID ELLIS

v.

SOUTHEASTERN PENNSYLVANIA  
TRANSPORTATION AUTHORITY

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CIVIL ACTION  
NO. 09-05463

ORDER

AND NOW, this 1<sup>st</sup> day of September, 2010, in consideration of defendant's motion to dismiss, plaintiffs' brief in opposition thereto and defendant's reply, it is ORDERED that defendant's motion is GRANTED as follows:

- 1) defendant's motion to dismiss is GRANTED as unopposed with respect to the section 1981 claim, the intentional infliction of emotional distress claim and the punitive damages claim. Such claims are DISMISSED with prejudice.
- 2) defendant's motion to dismiss is GRANTED with respect to the Title VII claim. Such claims are DISMISSED without prejudice. Plaintiff is GRANTED leave to amend within fourteen (14) business days of the date of this Order.

/s/ THOMAS N. O'NEILL, JR.  
THOMAS N. O'NEILL, JR., J.